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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/2-A/66

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F. 7 ((11)/62-Goa dated 25th July, 1966, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Government of Goa, Daman and Diu Ministerial and Stenographers' Service (excepting Secretariat) Recruitment Rules, 1966, issued under Notification No. RRNS/2/66 dated 29th April, 1966 and published in Government Gazette No. 5, series I dated 5th May, 1966, namely:

1. Short Title and Commencement:

(i) These rules may be called the Government of Goa, Daman and Diu (Ministerial and Stenographers' Service (excepting Secretariat) Recruitment (Third Amendment) Rules, 1969.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification, against the post of Lower Division Clerk appearing at Serial No. 1, for the existing entry in column 6 substitute:

"18 to 21 years. (Relaxable for Government servants)"

By order and in the name of the Administrator of Goa, Daman and Diu.

S. N. Dhumak, Under Secretary (Appointments).

Panaji, 21st November, 1969.

30th Kartika, 1891.

Corrigendum

OSD/RRVS/41/66

In the Schedule attached to the Notification of even number dated 8th July, 1969, published in Government Gazette Series I, No. 19 dated 7th August, 1969, the entries appearing in column 8 against the posts of Director of Education and Deputy Director of Education should be corrected to read as:—

"No"

S. N. Dhumak, Under Secretary (Appointments).
Panaji, 18th November, 1969.

Law and Judicial Department

Notification

JCC/J-37/69-70/(g)

In exercise of the powers conferred by sub-clause (2) of clause 10 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, and in supersession of the earlier orders or rules, I, V. S. Jetley, Judicial Commissioner, Goa, Daman and Diu, hereby make the following rules, namely:—

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Judicial Commissioner's Court (Delegation of powers to the Registrar) Rules, 1969.

(2) They shall come into force at once.

2. Power and duties of the Registrar, in connection with admission of appeals. — The Registrar shall admit to the register all memoranda of appeals or cross-objections, which are duly stamped, are in the proper form and contain the particulars required by law, are accompanied by the necessary copies, and are presented within the period prescribed for the same. No appeal shall be considered pending within the meaning of Order XLI, rule 6 of the Code of Civil Procedure, until it has been admitted to the register.

The Registrar shall decide all questions under this rule, and if he refuses to register any memorandum of appeal or cross-objections, the party aggrieved may move the Court within seven days from the date of the Registrar's refusal to direct its registration.

3. Rejection or return for amendment of memorandum by Registrar.—The Registrar may reject or direct the amendment then and there by the appellant of any memorandum of appeal for reasons specified in Order XLI, rule 3.

4. Disposal of matters by Registrar.—(i) In addition to the powers conferred upon him by the other rules and subject to such limitations as may be prescribed therein, the Registrar may exercise the following powers:—

He may dispose of:—

(a) Applications for correction of memoranda of appeals or applications as regards the description of the parties as major or minors.

(b) Applications for amendment of memoranda of appeals or applications by correction of the description of the parties or deletion of the names of parties where there is no contest.

(c) Applications to appoint or discharge a next friend or guardian ad litem of a minor or a person of unsound mind, except in cases of appeal to the Supreme Court, and to amend the record accordingly.

(d) Applications for the issue of notice to the proposed guardians or next friends of minors or lunatics.

(e) Applications for issue of a fresh notice or for extending the time for, or ordering a particular method of, service of notice on a respondent.

(f) Applications for orders for substituted service.

(g) Applications for fresh notice where there is delay in filing.

(h) Applications for entering on the record the names of the legal representatives of the deceased parties which are presented in time and in which there is no contest.

(i) Applications for recording order of abatement where there is no contest.

(j) Applications for leave to continue the proceeding under Order XXII, rule 10 of the Code of Civil Procedure.

(k) Notes filed by Advocates for calling for records and proceedings.

(l) Requisitions by subordinate Courts for records and documents.

(m) Notes filed by Advocates for orders regarding withdrawal of appearances in cases which are yet to be notified on the Weekly Board.

(n) Applications or notes for translations including notes and applications for excuse of delay or for extension of time for filing, such applications.

(o) Notes for extension of time for payment of process fees, printing or translation charges, etc., not paid within the prescribed time.

(p) Applications for certified copies in criminal cases where such copies are not, ordinarily granted without the permission of the Court.

(q) Requests for extension of time by lower Courts for certifying the record and proceedings with paper books in civil and criminal cases.

(r) Requests for extension of time in cases remanded for further evidence or findings on issues.

(s) Notes for dispensing with printing in appeals the hearing of which is expedited.

(t) Notes for extension of time in furnishing the security ordered by the Court.

(u) Applications for withdrawal of appeals or cross-objections.

(v) Applications for reducing the amount of deposit for the preparations of the transcript record for the purposes of appeal to the Supreme Court.

(w) Notes by the Office for additional deposits for the preparation of the transcript record for purposes of appeal to the Supreme Court.

(x) Applications or notes for the return of documents filed in any proceeding in the Judicial Commissioner's Court.

(ii) No matter which can be disposed of by the Registrar under this rule shall, without the permission of the Judicial Commissioner's Court, be placed before the Court.

Powers and duties of the Registrar

5. Powers and duties of Registrar.—The Registrar may besides—

(a) determine all questions relating to court fees;

(b) determine all matters regarding service, or non-service, or defective service of any notice;

(c) sign all decrees and writs;

(d) adjudicate on all refunds under these rules or under the Court-fees Act and under the notifications, if any, issued thereunder;

(e) adjudicate on all disputes regarding the assessment of process fees;

(f) issue notices in all matters which are not required to be placed for preliminary hearing before the Judicial Commissioner's Court;

(g) pass orders for placing before the Judicial Commissioner's Court with the appeal or other substantive proceedings, applications to add additional grounds in the memoranda of appeals or petition or to adduce additional evidence at the hearing;

(h) issue notices in applications for substitution of names in appeal to the Supreme Court;

(i) exercise all the powers of the Judicial Commissioner's Court under Order XLV, rule 8 of the Code of Civil Procedure;

(j) fix another date in a case in which the party served under any of the provisions of the Code of

Civil Procedure is not present on the date fixed and order the notice or process to be sent to the party registered post-prepared for acknowledgement;

(k) order payment of interest accruing on Government Promissory Notes deposited as security deposit under Order V, rule 7 of the Civil Procedure Code or the Supreme Court Rules and to order the refund of any unexpended balance under Order XLV, rule 12 of the Code of Civil Procedure.

(l) direct from time to time the deposit of funds for the conduct of the proceedings on behalf of minor respondents or opponents for guardian ad litem has been appointed;

(m) order payment or refund according to the orders or directions of the Judicial Commissioner's Court of monies paid or deposited in that Court;

(n) order refund of money paid in the Judicial Commissioner's Court for enrolment as Advocates or Pleaders or for copies or for any other purposes under the rules, of such amounts as may not have been utilised;

(o) call for reports from subordinate Courts regarding valuation of any property in respect of any proceeding in the Judicial Commissioner's Court for the purposes of assessing the valuation for court fees, stamp duty, costs, etc.

6. Registrar not to extend time or excuse delay exceeding one month.—Subject to the provisions of the other rules, the period of time which may be extended, or of delay which may be excused by the Registrar, for or in doing anything which is required to be done by the rules in a particular time, shall not exceed one month.

7. Revision of orders of Registrar.—(i) Any order passed by the Registrar under rules 2 to 6 above or any other rules shall be subject to revision by the Judicial Commissioner or under his orders by the Additional Judicial Commissioner upon a motion of the party aggrieved.

(ii) Such motions for revision under sub-rule (i) shall be made, unless otherwise specifically provided for, within 15 days from the date of the order complained of.

8. Power under section 152 C. P. C.—The Registrar may exercise all the powers of a Court under section 152 of the Civil Procedure Code in respect of his own orders.

9. What officers can administer oaths.—The Registrar may administer oaths and solemn affirmations to deponents making affidavits.

V. S. Jetley, Judicial Commissioner.

Panaji, 13th November, 1969.

Notification

LD/N-85/69

The Foreign Exchange Regulation (Amendment) Ordinance, 1969 (No. 9 of 1969) as promulgated by

the President of India is hereby reproduced below for general information of the public.

M. S. Borkar, Under Secretary.

Panaji 21st November, 1969.

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ORDINANCE, 1969

No. 9 of 1969

Promulgated by the President in the Twentieth Year of the Republic of India

An Ordinance further to amend the Foreign Exchange Regulation Act, 1947.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Foreign Exchange Regulation (Amendment) Ordinance, 1969.

(2) It shall come into force at once.

2. Act 7 of 1947 to be temporarily amended.—During the period of operation of this Ordinance, the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. Amendment of section 12.—In section 12 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification in the Official Gazette, prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export) of all goods or of any goods or class of goods specified in the notification from India directly or indirectly to any place so specified unless the exporter furnishes to the prescribed authority a declaration in the prescribed form supported by such evidence as may be prescribed or so specified and true in all material particulars which, among others, shall include the amount representing—

(i) the full export value of the goods; or

(ii) if the export value of the goods is not ascertainable at the time of export, the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the course of international trade,

and affirms in the said declaration that the full export value of the goods or in a case falling under clause (ii), the full value for which the

goods are sold has been, or will within the prescribed period be, paid in the prescribed manner.”.

4. Amendment of section 23A.—In section 23A of the principal Act, for the words, brackets and figures “the restrictions imposed by sub-sections (1) and (2) of section 8”, the words, brackets and

figures “the restrictions imposed by or under sub-sections (1) and (2) of section 8” shall be substituted.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.